

**CITY OF TALLAHASSEE**

**CITY COMMISSION AGENDA ITEM**

<b>ACTION REQUESTED ON:</b>	June 25, 2003
<b>SUBJECT/TITLE:</b>	Introduction of Ordinance #03-O-43 South of Buckhead Tracts 5 & 6 Voluntary Annexation
<b>TARGET ISSUE:</b>	N/A

**STATEMENT OF ISSUE**

The owner of two adjacent parcels (Tax ID# 1111204050000 and 1111200230000) has petitioned the City for annexation of approximately 14.5 acres south of the Buckhead subdivision on Centerville Road. The property is zoned R-3 (low density residential). Development plans are not finalized but the owner plans to use one of the parcels as a stormwater facility for Buckhead Phase III.

The City Attorney has determined that this annexation fully qualifies under the statutory requirements of Chapter 171, Florida Statutes.

A copy of the proposed annexation was provided to Leon County Board of Commissioners at the time that it was distributed to the City Commission.

**RECOMMENDED ACTION**

Option 1 – Introduce Voluntary Annexation Ordinance # 03-O-43 Buckhead Tracts 5 and 6 and set the public hearing date for July 9, 2003.

**FISCAL IMPACT**

Based on the current property tax rate of 3.2 mills, this property would have generated \$116 in tax revenues in 2002.

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Dinah Hart  
Administrative Services Manager/DMA

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Anita R. Favors  
City Manager

For Information, please contact: Dinah Hart, ext. 8209

**ITEM TITLE:** Introduction of Ordinance #03-O-43 Buckhead Tracts 5 and 6 Voluntary Annexation

## **SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS**

### **HISTORY/FACTS & ISSUES**

The owner of two adjacent parcels (Tax ID# 1111204050000 and 1111200230000) has petitioned the City for annexation of approximately 14.5 acres south of the Buckhead subdivision on Centerville Road. The property is zoned R-3 (low density residential). Development plans are not finalized but the owner plans to use one of the parcels as a stormwater facility for Buckhead Phase III. The property is within the Urban Services Area. Approval of the annexation would support the Annexation Goals as identified in the Comprehensive Plan and the annexation strategy adopted by the City Commission.

## **STATEMENT OF URBAN SERVICES**

### **I. Introduction**

The purpose of this statement is to provide information on the land use compatibility and level of urban services that will be provided to the proposed Buckhead Tracts 5 and 6 annexation.

### **II. Land Use**

The area proposed for annexation consists of approximately 14.5 acres and is located within the Urban Services Area (USA). According to the Planning Department, the property is located in the Mixed Use A land use category on the Future Land Use Map. The Official Zoning Atlas indicates that the current zoning is R-3. Leon County Property Appraiser's Records show no structures on this parcel.

Planning staff has reviewed the proposed annexation (Tax ID numbers 11-11-20-405-0000 and 11-11-20-0230-000). The information required in Intergovernmental Element Policy 2.1.4 was not supplied to the Planning Department for their review. The Department could find the proposal consistent with the Comprehensive Plan, subject to the following provisions being met:

- The annexation is in accordance with the requirements of Chapter 172, Florida Statutes as set forth in Policy 2.1.4[I].
- The plan for annexation shall be provided by the City Manager to the County Administrator and the Board of County Commissioners at the time it is provided to the City Commission. All procedures for review and comment on the annexation as set forth in Policy 2.1.4[I] shall be followed.
- The City shall provide information as to how it will provide full urban services to the area to be annexed pursuant to Policy 2.1.1 {I}.
- A description of how land use compatibility will be ensured, pursuant to Policy 2.1.4(a)[I].
- A description of how facilities will be provided and by which entity, pursuant to Policy 2.1.4(b)[I].

- A description of how the level of service standards will be maintained consistent with the Comprehensive Plan, pursuant to Policy 2.1.4 (c)[I].
- The amount of any agreed upon water and/or sewer rebate that will be due to the petitioner, pursuant to Policy 2.1.4(d)[I].

The following is provided as additional information related to this site:

- This property is within the Mixed Use A Future Land Use Category.
- This property is presently zoned R-3. This category allows up to 8 units per acre and includes single-family attached and detached houses, duplexes and zero lot line units. The City and County R-3 zoning districts are comparable to each other and the site would not require a rezoning.
- The DRC (Development Review Committee) approved a final phase of Buckhead on October 28, 2002, which proposes a vehicular interconnection to the south (but not at the subject properties). The interconnection is conditioned on the use and intensity of the properties being developed being consistent with the developed portion of Buckhead. It is our understanding that the City Attorney has a copy of this agreement.
- The issues that arise from this annexation are how do these properties intend to obtain access and is the intensity of the current zoning appropriate, given the previous agreement? These parcels are currently accessed by an easement. Any further development of these properties will require fee simple access to a publicly dedicated street. The Buckhead Homeowners Association raised significant issues regarding R-3 uses and intensities, and obtaining access through their subdivision. If these parcels are rezoned to R-1 consistent with Buckhead, then developing access through Buckhead may be more acceptable to the adjoining neighborhood and furthers the intent of the Comprehensive Plan.

#### Status of Permits

A letter from the County Administrator dated June 9, 2003, authorizes the City to proceed with the review and issuance of permits given the owner's request for annexation. It is staff's understanding that at least one of the parcels will be used for stormwater purposes.

#### Other Special Conditions

Several departments raised the issue of the lack of access to these parcels, as City services cannot be provided when there is no public access. The developer has stated that he intends to provide roadway access through the Buckhead subdivision and possibly may connect directly to Centerville Road with a southern route to the west of the property. City staff has told the developer that there are no plans to provide road access to this property and that no services will be provided due to the lack of access.

### III. Urban Services

The level of urban services that may be provided to the area proposed for annexation will be consistent with the level provided to areas within the City.

- A. Fire Protection Service – The City provides fire protection on an area wide basis. In the corporate limits, the fire department responds to alarms within an average of four (4) minutes. Fire Station #7 at 2805 Shamrock South can provide fire and emergency services to this area.

- B. Police Protection Service – Tallahassee maintains a comprehensive law enforcement program. The full range of these services will be provided to the area upon annexation.
- C. Growth Management – Based on discussions staff has had with the developer, this property is to be used for a stormwater facility which was planned for an area with environmental features that staff felt were of greater value. There do not appear to be any concurrency or land use issues based on the information staff has been provided to date.
- D. Street Maintenance and Right of Way Service – The City will assume responsibility for maintaining city-owned streets upon annexation. The City has a comprehensive public street construction program.
- E. Traffic Planning and Control – The maintenance of street signs, pavement markings, and traffic signals on city-owned streets will be assumed by the City upon annexation.
- F. Street Lighting – Tallahassee has a comprehensive program for the installation and maintenance of streetlights. Since the area is undeveloped and plans regarding the area are not finalized, there will not be any immediate cost for streetlights.
- G. Parks and Recreation Services – The City provides a comprehensive Parks and Recreation program and system of parks for its citizens. Parks and Recreation has a 72 acre park (A.J. Henry) east of Centerville Road that will serve this area..
- H. Bus Service – The City owns and operates a public transit system. Annually, a system-wide analysis is performed to evaluate bus service within all areas of the corporate limits. The closest bus stop is the intersection of Centerville Road and Llonbladh Road. Additionally, the Dial-a-Ride program, a specialized transportation service for citizens who are disabled, will be extended to this area upon annexation. The Dial-a-Ride program is also available to citizens over the age of 60 on a space available basis. Given the plans for a residential development, expansion of service to this area may impact the Dial-a-Ride program when the property is developed.
- I. Electric Service – The City currently provides electric service to this area. Extension of electric service to new customers in the area will be in accordance with established policy and other utility agreements.
- J. Water and Sewer Service – A preliminary plan has been submitted showing this area as the storm water facility for Buckhead phase III. Water and sewer will be available once Buckhead phase III develops, if all of the area isn't used for storm water. Water Utility staff has also discussed the idea of locating the pump station for Buckhead phase III in this area, with Roger Wynn of Broward Davis and Associates
- K. Gas Service – The City generally provides natural gas to a site when requested and after a feasibility analysis. Gas is available to the Buckhead subdivision and it is anticipated that services will be extended to this area.
- L. Stormwater Service – Stormwater services to the area will be provided at the same level as currently provided to areas within the City.

M. Solid Waste Service – Solid waste collection and disposal services will be provided by the City upon annexation.

**OPTIONS**

Option 1 – Introduce Voluntary Annexation Ordinance # 03-O-43 Buckhead Tracts 5 and 6 and set the public hearing date for July 9, 2003.

Option 2 – Set another date for public hearing.

Option 3 – Do not proceed with the proposed voluntary annexation.

**RECOMMENDATIONS**

Option 1 – Introduce Voluntary Annexation Ordinance # 03-O-43 Buckhead Tracts 5 and 6 and set the public hearing date for July 9, 2003.

**ATTACHMENTS/REFERENCES**

Attachment 1 – Proposed Ordinance #03-O-43

Attachment 2 – Location Map

ORDINANCE NO. 03-O-43

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING CHAPTER SIX OF THE CHARTER OF THE CITY OF TALLAHASSEE, TO ANNEX WITHIN THE CORPORATE AREA OF THE CITY OF TALLAHASSEE, FLORIDA, UPON ADOPTION OF SAID ORDINANCE, PROPERTY BEING SITUATED IN LEON COUNTY, FLORIDA, IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, there has been filed with the City of Tallahassee, Florida, a petition containing the names and signatures of all of the property owners in the area described hereinafter requesting annexation into the corporate area of the City of Tallahassee, Florida; and,

WHEREAS, it has been determined that the property described hereinafter is reasonably compact and contiguous to the corporate area of the City of Tallahassee, Florida, and it has further been determined that the annexation of said property will not result in the creation of any pocket or enclave; and,

FURTHER WHEREAS, the City of Tallahassee, Florida, is in a position to provide municipal services to the property described herein, and that the City Commission of the City of Tallahassee, Florida, deems it in the best interest of the City to accept said petition and to annex said property.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA:

Section 1. That the property described below, situated in Leon County, Florida, be and the same is hereby annexed to and made a part of the City of Tallahassee, Florida, pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes, to wit:

## BUCKHEAD TRACTS 5 and 6 ANNEXATION

**COMMENCE** at the northeast corner of said Section 14, the southeast corner of Section 11 and the southwest corner of said Section 12, Township 1 North Range 1 East; thence Northerly along the common boundary line of Section 12 and Section 11, Township 1 North, Range 1 East 1885 feet, more or less to the southeast corner of that parcel of property described in Official Record Book 2819, Page 2116 (Tax I.D 11-11-20-405) of the Public Records of Leon County, Florida, said corner lying on the northerly right-of-way boundary of Interstate Highway 10, for the **POINT OF BEGINNING**. From said **POINT OF BEGINNING** thence, along the northerly right-of-way boundary of said Interstate Highway 10 as follows: South 88 degrees 46 minutes 03 seconds West, a distance of 116.44 feet; thence North 87 degrees 24 minutes 36 seconds West, a distance of 299.99 feet; thence South 88 degrees 46 minutes 03 seconds West, a distance of 335.17 feet to the southwest corner of said parcel; thence North 00 degrees 27 minutes 55 seconds West, a distance of 421.61 feet to the northwest corner of said parcel on the southerly boundary of that parcel described in Official Record Book 2805, Page 1727 (Tax I.D 11-11-20-023) of said Public Records; thence South 89 degrees 32 minutes 05 seconds West, along said southerly boundary last referenced, a distance of 233.85 feet; to the southwest corner of said parcel last referenced; thence North 00 degrees 27 minutes 55 seconds West, a distance of 324.46 feet to the northwest corner of said parcel last referenced; thence North 89 degrees 32 minutes 05 seconds East, along the northerly boundary of said parcel last referenced, a distance of 971.76 feet to the northeast corner thereof; thence South 01 degrees 28 minutes 01 seconds East, a distance of 324.86 feet to the southeast corner thereof; thence South 01 degree 28 minutes 01 second East, a distance of 431.62 feet to the POINT OF BEGINNING; Containing 14.53 acres, more or less.

Section 2. That upon this ordinance becoming effective, the property owners and any resident on the property described herein shall be entitled to all the rights and privileges and immunities as are from time to time granted to residents and property owners of the City of Tallahassee, Florida, as further provided in Chapter 171, Florida Statutes, and shall further be subject to the responsibilities of residence or ownership as may from time to time be determined by the governing authority of the City of Tallahassee, Florida, and the provisions of said Chapter 171, Florida Statutes.

Section 3. If any section or portion of a section of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force, or effect of any other section or part of this ordinance.

Section 4. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

Section 5. That this ordinance shall become effective immediately upon its passage and adoption.

INTRODUCED in the City Commission on the \_\_\_\_ day of \_\_\_\_\_ 2003

PASSED the City Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2003

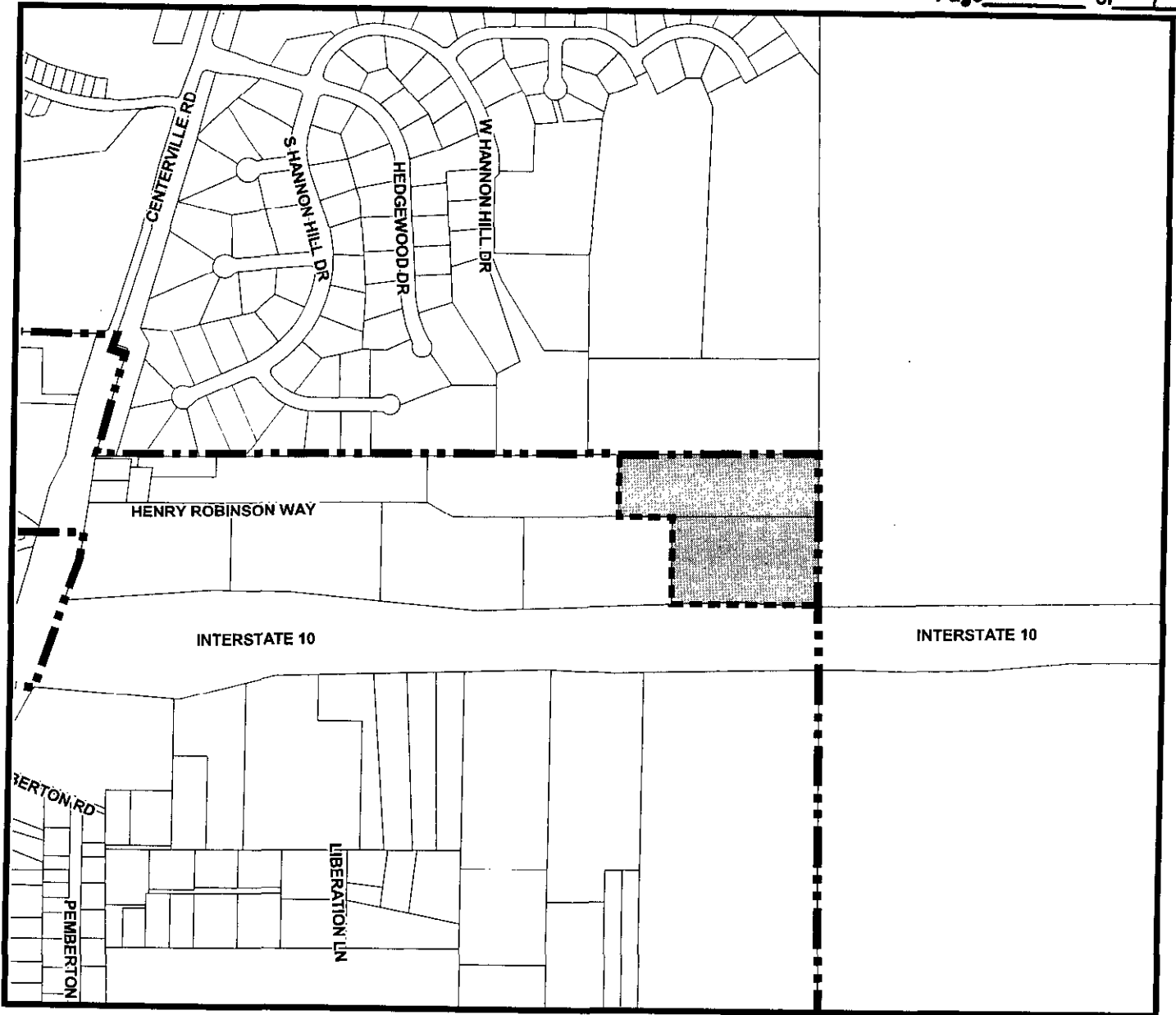
\_\_\_\_\_  
JOHN R. MARKS III, Mayor

ATTEST:

\_\_\_\_\_  
GARY HERNDON  
City Treasurer-Clerk

APPROVED AS TO FORM:

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JAMES R. ENGLISH  
City Attorney



DWG NO. OMB00122.CDR

## BUCKHEAD TRAC 5 & 6 PROPOSED ANNEXATION

### LEGEND

-  CURRENT CITY LIMITS
-  PROPOSED CITY LIMITS